

AMENDED IN SENATE APRIL 26, 2006

SENATE BILL

No. 1659

Introduced by Senator Cox

February 24, 2006

An act to amend Section ~~130060~~ 129765 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1659, as amended, Cox. Hospital seismic retrofit.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the Office of Statewide Health Planning and Development to assume prescribed duties relating to construction and alteration of hospital buildings, including, but not limited to, review and approval of construction plans, in order to ensure that the buildings would be reasonably capable of providing services after a disaster.

~~Existing law prohibits, after January 1, 2008, the use for acute care hospital purposes of any building that does not meet seismic safety standards, unless an extension is granted under prescribed conditions.~~

~~This bill would make a technical, nonsubstantive change.~~

Existing law sets forth the facilities plan application requirements, including, but not limited to, that the application be accompanied by the plans and full, complete, and accurate specifications.

This bill would authorize the office to permit application by electronic submittal.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 129765 of the Health and Safety Code is
2 amended to read:

3 129765. In each case, the application for approval of the
4 plans shall be accompanied by the plans, by full, complete, and
5 accurate specifications, by structural design computations, which
6 shall comply with the requirements prescribed by the office. *The*
7 *office may permit application by electronic submittal.*

8 SECTION 1. ~~Section 130060 of the Health and Safety Code~~
9 ~~is amended to read:~~

10 ~~130060. (a) (1) After January 1, 2008, any general acute~~
11 ~~care hospital building determined to be a potential risk of~~
12 ~~collapse or pose significant loss of life shall only be used for~~
13 ~~nonacute care hospital purposes. A delay in this deadline may be~~
14 ~~granted by the office upon a demonstration by the owner that~~
15 ~~compliance will result in a loss of health care capacity that may~~
16 ~~not be provided by other general acute care hospitals within a~~
17 ~~reasonable proximity. In its request for an extension of the~~
18 ~~deadline, a hospital shall state why the hospital is unable to~~
19 ~~comply with the January 1, 2008, deadline requirement.~~

20 ~~(2) Prior to granting an extension of the January 1, 2008,~~
21 ~~deadline pursuant to this section, the office shall do all of the~~
22 ~~following:~~

23 ~~(A) Provide public notice of a hospital's request for an~~
24 ~~extension of the deadline. The notice, at a minimum, shall be~~
25 ~~posted on the office's Internet Web site, and shall include the~~
26 ~~facility's name and identification number, the status of the~~
27 ~~request, and the beginning and ending dates of the comment~~
28 ~~period, and shall advise the public of the opportunity to submit~~
29 ~~public comments pursuant to subparagraph (C). The office shall~~
30 ~~also provide notice of all requests for the deadline extension~~
31 ~~directly to interested parties upon request of the interested~~
32 ~~parties.~~

33 ~~(B) Provide copies of extension requests to interested parties~~
34 ~~within 10 working days to allow interested parties to review and~~
35 ~~provide comment within the 45-day comment period. The copies~~
36 ~~shall include those records that are available to the public~~
37 ~~pursuant to the Public Records Act, Chapter 3.5 (commencing~~

1 with Section 6250) of Division 7 of Title 1 of the Government
2 Code.

3 (C) Allow the public to submit written comments on the
4 extension proposal for a period of not less than 45 days from the
5 date of the public notice.

6 (b) (1) It is the intent of the Legislature, in enacting this
7 subdivision, to facilitate the process of having more hospital
8 buildings in substantial compliance with this chapter and to take
9 nonconforming general acute care hospital inpatient buildings out
10 of service more quickly.

11 (2) The functional contiguous grouping of hospital buildings
12 of a general acute care hospital, each of which provides, as the
13 primary source, one or more of the hospital's eight basic services
14 as specified in subdivision (a) of Section 1250, may receive a
15 five-year extension of the January 1, 2008, deadline specified in
16 subdivision (a) of this section pursuant to this subdivision for
17 both structural and nonstructural requirements. A functional
18 contiguous grouping refers to buildings containing one or more
19 basic hospital services that are either attached or connected in a
20 way that is acceptable to the State Department of Health
21 Services. These buildings may be either on the existing site or a
22 new site.

23 (3) To receive the five-year extension, a single building
24 containing all of the basic services or at least one building within
25 the contiguous grouping of hospital buildings shall have obtained
26 a building permit prior to 1973 and this building shall be
27 evaluated and classified as a nonconforming, Structural
28 Performance Category 1 (SPC-1) building. The classification
29 shall be submitted to and accepted by the Office of Statewide
30 Health Planning and Development. The identified hospital
31 building shall be exempt from the requirement in subdivision (a)
32 until January 1, 2013, if the hospital agrees that the basic service
33 or services that were provided in that building shall be provided,
34 on or before January 1, 2013, as follows:

35 (A) Moved into an existing conforming Structural
36 Performance Category 3 (SPC-3), Structural Performance
37 Category 4 (SPC-4), or Structural Performance Category 5
38 (SPC-5) and Non-Structural Performance Category 4 (NPC-4) or
39 Non-Structural Performance Category 5 (NPC-5) building.

1 ~~(B) Relocated to a newly-built compliant SPC-5 and NPC-4 or~~
2 ~~NPC-5 building.~~

3 ~~(C) Continued in the building if the building is retrofitted to a~~
4 ~~SPC-5 and NPC-4 or NPC-5 building.~~

5 ~~(4) A five-year extension is also provided to a post~~
6 ~~1973 building if the hospital owner informs the Office of~~
7 ~~Statewide Health Planning and Development that the building is~~
8 ~~classified as a SPC-1, SPC-3, or SPC-4 and will be closed to~~
9 ~~general acute care inpatient service use by January 1, 2013. The~~
10 ~~basic services in the building shall be relocated into a SPC-5 and~~
11 ~~NPC-4 or NPC-5 building by January 1, 2013.~~

12 ~~(5) Any SPC-1 buildings, other than the building identified in~~
13 ~~paragraph (3) or (4), in the contiguous grouping of hospital~~
14 ~~buildings shall also be exempt from the requirement in~~
15 ~~subdivision (a) until January 1, 2013. However, on or before~~
16 ~~January 1, 2013, at a minimum, each of these buildings shall be~~
17 ~~retrofitted to a SPC-2 and NPC-3 building, or no longer be used~~
18 ~~for general acute care hospital inpatient services.~~

19 ~~(e) On or before March 1, 2001, the office shall establish a~~
20 ~~schedule of interim work progress deadlines that hospitals shall~~
21 ~~be required to meet to be eligible for the extension specified in~~
22 ~~subdivision (b). To receive this extension, the hospital building~~
23 ~~or buildings shall meet the year 2002 nonstructural requirements.~~

24 ~~(d) A hospital building that is eligible for an extension~~
25 ~~pursuant to this section shall meet the January 1, 2030,~~
26 ~~nonstructural and structural deadline requirements if the building~~
27 ~~is to be used for general acute care inpatient services after~~
28 ~~January 1, 2030.~~

29 ~~(e) Upon compliance with this section, the hospital shall be~~
30 ~~issued a written notice of compliance by the office. The office~~
31 ~~shall send a written notice of violation to hospital owners that fail~~
32 ~~to comply with this section.~~